

**RESOLUTION NO. 2022-\_\_\_\_\_**

A Resolution formally censuring Council Member Jonathan Bingle.

**WHEREAS**, upon their election to office, City Council members swear an oath to support the Constitution and laws of the state of Washington, the City Charter, the Spokane Municipal Code, and the Constitution of the United States; and

**WHEREAS**, in response to the COVID-19 pandemic, Governor Inslee under authority granted him by the Legislature has issued a number of proclamations, including Proclamation 20-25.17 (Sept. 13, 2021), which “prohibit[s] any individual from failing to wear a face covering as required by the Secretary of Health’s face covering order . . . [and] prohibit[s] any governmental . . . entity from allowing any individual to enter or remain in any indoor space under their control unless the individual is in compliance with the Secretary of Health’s face covering order”; and

**WHEREAS**, under state law, Governor’s proclamations have the force of law: “Any person willfully violating any provision of an order issued by the governor under this section is guilty of a gross misdemeanor.” (RCW 43.06.220(5)); and

**WHEREAS**, the City Administration has issued clarifying guidance requiring that the Governor’s Proclamation, as applied at City Hall, requires all persons at City Hall to wear a mask unless they are alone at their desk or work station, and have posted signs throughout City Hall reminding every person who enters City Hall that they are to wear a mask; and

**WHEREAS**, Council Member Bingle has continuously and repeatedly intentionally violated, and continues to violate, state law by refusing to wear a mask anywhere in City Hall; and

**WHEREAS**, employees from multiple City departments have filed formal and informal complaints based on their personal experiences and observations that Council Member Bingle intentionally and willfully remains in violation of state law and regulations and City policy; and

**WHEREAS**, complaints to the state Department of Labor and Industries may also subject the City to enforcement actions, including monetary fines, which would be paid from taxpayer dollars; and

**WHEREAS**, Council Member Bingle’s intentional and willful violation of state law, state regulations, and City policy is wrongful conduct that affects the performance of his official duties as an elected official of the City of Spokane; and

**WHEREAS**, Council Member Bingle’s intentional and willful violation of Governor Inslee’s Proclamation 20-25.17 is an unlawful act, punishable as a gross misdemeanor; and

**WHEREAS**, Council Member Bingle’s knowing and intentional refusal to support and uphold the laws of the State of Washington, in this case, through his refusal to obey the Governor’s Proclamation which has the force of law, is a knowing and intentional violation of his oath of office; and

**WHEREAS**, Council Member Bingle’s intentional refusal to wear a mask while within City Hall shows an intentional and flagrant disregard for the health and safety of every person with whom he comes into contact, including City employees, fellow Council Members, City Council staff, and members of the public who enter City Hall.

**NOW, THEREFORE, BE IT RESOLVED** that the Spokane City Council hereby issues a formal censure of Council Member Jonathan Bingle due to his willful, intentional, knowing, and wrongful conduct affecting the performance of his official duties, his violation of the oath of his office, his violation of state law, and his actions displaying his lack of judgment which reflects poorly on the public’s trust and confidence in government generally and local elected officials specifically.

**ADOPTED** by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Assistant City Attorney